

DEPARTMENT OF ENERGY
DELEGATION ORDER NO. 0204-162
TO THE CHAIR, BOARD OF CONTRACT APPEALS

1. DELEGATION. Pursuant to the authority vested in me as Secretary of Energy (Secretary) and section 642 of the Department of Energy Organization Act (Pub. L.95-91) there is hereby delegated to the Chair, Board of Contract Appeals (which was established in 1979 by the Secretary of Energy pursuant to authority granted to the Secretary by Section 8 of the Contract Disputes Act of 1978 (Pub. L. 95-563)) the authority to:
 - a. Decide appeals in which, by the terms of a contract executed prior to March 1, 1979, the contractor is authorized to appeal decisions of a contracting officer to the head of the agency or the Board;
 - b. Sitting as the Department of Energy (DOE) Patent Compensation Board, conduct and decide any proceedings brought before it pursuant to Departmental regulations, 10 CFR Part 780; declare patents affected with the public interest pursuant to Section 153a (42 U.S.C. 2183a); and make the final determination to issue patent licenses pursuant to Sections 153b or 153e of the Atomic Energy Act of 1954 (42 U.S.C. 2183b and 2183e);
 - c. Hear and decide appeals in proceedings for the suspension, termination and debarment of contractors or financial assistance recipients pursuant to Departmental regulations;
 - d. Hear and decide appeals involving liquidated damages pursuant to section 104(c) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-332);
 - e. Sitting as the DOE Invention Licensing Appeals Board, hear and decide appeals from decisions brought before it on the licensing of inventions pursuant to Departmental regulations, 10 CFR Part 781;
 - f. Sitting as the DOE Financial Assistance Appeals Board, hear and decide appeals involving financial assistance agreements including grant agreements, cooperative agreements, loan agreements and loan guarantees pursuant to Departmental regulations;
 - g. Conduct and decide any other quasi-judicial proceedings assigned by the Secretary;
 - h. Exercise all power and authority necessary for the performance of the Board's duties, including but not limited to: perform customary administrative duties in accordance with applicable statutes, regulations, directives and policies; establish rules of practice and procedure subject to the approval of the Secretary; issue subpoenas under the authority of §161(c) of the Atomic Energy Act of 1954, 42

U.S.C. §2201(c); administer oaths and affirmations; publish necessary documents in the Federal Register as appropriate; and take final Departmental actions for the Secretary with respect to all issues of fact and law in proceedings before it.

2. RESCISSION. Secretarial Delegations of Authority 0204-36 and 0204-90 are rescinded.
3. LIMITATION.
 - a. In exercising the authority delegated by this order, or as redelegated pursuant thereto, the delegatee shall be governed by the rules and regulations of the Department of Energy and the policies and procedures prescribed by the Secretary and his or her delegates.
 - b. Nothing in this order shall preclude the Secretary from exercising any of the authority so delegated, subject to applicable statutes and regulations, whenever in his or her judgment his or her exercise of such authority is necessary or appropriate to administer the functions vested in him or her.
5. AUTHORITY TO REDELEGATE. The authority hereby delegated to the Chair, Board of Contract Appeals may be delegated further, in whole or in part, as the Chair, Board of Contract Appeals may determine to be appropriate.
6. DURATION AND EFFECTIVE DATE.
 - a. All actions pursuant to any authority delegated prior to this order or pursuant to any authority delegated by this order taken prior to and in effect on the date of this order are hereby confirmed and ratified, and shall remain in full force and effect as if taken under this order, unless or until rescinded, amended, or superseded.
 - b. This order is effective October 16, 1996.

_____/s/
Hazel R. O'Leary
Secretary of Energy

DEPARTMENT OF ENERGY
AMENDMENT NO. 1
DELEGATION ORDER NO. 0204-162
TO THE BOARD OF CONTRACT APPEALS and
TO THE CHAIR, BOARD OF CONTRACT APPEALS

Pursuant to the authority vested in me as Secretary of Energy (“Secretary”) and by Section 642 of the Department of Energy Organization Act (Pub. L. 95-91), Paragraph 1 of the Delegation Order No. 0204-162 is hereby amended to read as follows:

1. DELEGATION. Pursuant to the authority vested in me as Secretary of Energy (Secretary) and section 642 of the Department of Energy Organization Act (Pub. L. 95-91) there is hereby delegated to the Energy Board of Contract Appeals (which was established in 1979 by the Secretary of Energy pursuant to authority granted to the Secretary by Section 8 of the Contract Disputes Act of 1978 (Pub. L. 95-563)) the authority to decide appeals involving contract disputes pursuant to the Contract Disputes Act of 1978 (Pub. L. 95-563). Further, there is hereby delegated to the Chair of the Energy Board of Contract Appeals the authority to:

This amendment to Delegation Order 0204-162 is effective May 18, 1998.

_____/s/_____
Federico Peña
Secretary of Energy